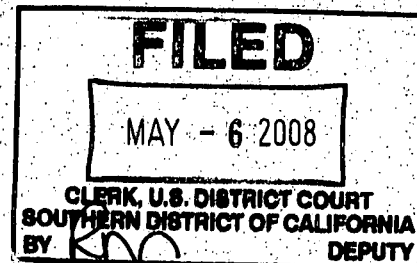


SYLVEO CASTLE
 (Name)
P.O. BOX 5102
 (Address)
DELANO, CA 93216
 (City, State, Zip)
C-82790
 (CDC Inmate No.)



United States District Court Southern District of California

SYLVEO CASTLE

(Enter full name of plaintiff in this action.)

Plaintiff,

v.

M. AMARAL, CORRECTIONAL NURSE

A. LOPEZ, CORRECTIONAL NURSE

CARILLO CORRECTIONAL (MIA)

MEDICAL TRAINING ASSISTANT

(Enter full name of each defendant in this action.)

Defendant(s).

Civil Case No. 08-0347

(To be supplied by Court Clerk)

FIRST AMENDED
 Complaint under the
 Civil Rights Act
 42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, SYLVEO CASTLE
 (print Plaintiff's name), who presently resides at NEW VALLEY STATE PRISON
 (mailing address or place of confinement) P.O. BOX 5102 DELANO, CA 93216, were violated by the actions
 of the below named individuals. The actions were directed against Plaintiff at CALIFORNIA STATE PRISON P.O. BOX 5006, CALIFORNIA CA 92233 on (dates) 4/7/06, 4/7/06, and _____.
 (institution/place where violation occurred) (Count 1) (Count 2) (Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant M. RAMIREZ resides in CALIFORNIA, CA.
 (name) (County of residence)
 and is employed as a CORRECTIONAL NURSE. This defendant is sued in
 (defendant's position/title (if any))
 his/her ☒ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: BY BEING DELIBERATE INDIFFERENCE TO PLAINTIFFS URGENT MEDICAL
NEEDS DENIAL OF MEDICAL CARE, EQUAL PROTECTION RIGHTS

Defendant A. LOPEZ resides in CALIFORNIA, CA.
 (name) (County of residence)
 and is employed as a CORRECTIONAL NURSE. This defendant is sued in
 (defendant's position/title (if any))
 his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: BY BEING DELIBERATE INDIFFERENCE TO PLAINTIFFS URGENT MEDICAL
NEEDS DENIAL OF MEDICAL CARE, EQUAL PROTECTION RIGHTS

Defendant C. CARILLO resides in CALIFORNIA
 (name) (County of residence)
 and is employed as a CORRECTIONAL MEDICAL TRAINING ASSISTANT. This defendant is sued in
 (defendant's position/title (if any))
 his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: BY BEING DELIBERATE INDIFFERENCE TO PLAINTIFFS URGENT MEDICAL
NEEDS DENIAL OF MEDICAL CARE, EQUAL PROTECTION RIGHTS

Defendant _____ resides in _____
 (name) (County of residence)
 and is employed as a _____. This defendant is sued in
 (defendant's position/title (if any))
 his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: _____

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: RIGHT TO MEDICAL CARE
(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

- ① ON JULY 6, 1999 AT PELICAN BAY STATE PRISON HECIN AFTER (PBSP) PLAINTIFF WAS STRUCK FROM BEHIND IN THE NECK BY ANOTHER PRISONER THAT RESULTED IN PLAINTIFF BECOMING PARALYZED FROM THE CHEST DOWN.
- ② AS A RESULT OF THE STRUCK PLAINTIFF HAS BEEN DIAGNOSED PERMANENTLY MOBILITY IMPAIRED (LOWER EXTREMITIES).
- ③ ON APRIL 9, 2001 AT SALINAS VALLEY STATE PRISON HECIN AFTER (SVSP) PLAINTIFF WAS EXAMINED BY DR. THEODORE KACZMARA (NEUROLOGIST) WHO PRESCRIBED BACLOFEN MEDICATION FOR PLAINTIFF SO TO MUSCLE SPASMS.
- ④ ON MARCH 23, 2006 AT CALIFORNIA STATE PRISON CONCORD HECIN AFTER (CSPC) PLAINTIFF WAS EXAMINED BY DR. WILSON WHO STOP PLAINTIFF MEDICINE AND PRESCRIBED VICODIN 500 MG X 60 DAYS FOR PLAINTIFF CHRONIC LOWER BACK PAIN.
- ⑤ ON APRIL 7, 2006 AT APPROXIMATELY 7:00 AM PLAINTIFF WAS TRANSFERRED FROM (CSPC) TO CALIFORNIA STATE PRISON HECIN (CSP).
- ⑥ PLAINTIFF ARRIVED AT (CSP) AT APPROXIMATELY 2:00 PM AND AT APPROXIMATELY 3:30 PM PLAINTIFF WAS SEEN BY THE ON DUTY NURSE DEFENDANT M. RAMIREZ AND ACCORDING AND ACCUSE (A.S.A.) WHO HAD PLAINTIFF MEDICAL FILES IN FRONT OF HER AND DEFENDANT M. RAMIREZ HAD ASKED WHAT TYPE OF MEDICATION I WAS PRESCRIBED AND CURRENTLY TAKING, PLAINTIFF INFORMED DEFENDANT M. RAMIREZ I AM TAKING VICODIN 500 MG FOR PAIN AND BACLOFEN 10 MG FOR MUSCLE SPASMS.
- ⑦ WHEN PLAINTIFF REQUESTED THE VICODIN MEDICATION FOR PAIN THE ON DUTY NURSE DEFENDANT M. RAMIREZ DENIED THE PLAINTIFF THE MEDICATION FOR PAIN IN A CASH FORM OR PILL FORM.
- ⑧ ON APRIL 8, 2006 AT APPROXIMATELY 1:00 PM THE ON DUTY (MTA) MEDICAL TRAINED ASSISTANCE CARRILLO CAME TO MY ASSIGNED CELL AND I ALSO INFORMED HER.

1 THAT I AM SUFFERING FROM CHRONIC LOWER BACK PAIN AND TAKING VICODIN MEDICATION
 2 AND REQUESTED THAT SHE GO CHECK MY MEDICAL FILE AND ONCE SHE VERIFY THAT
 3 I AM ON THE CHRONIC PAIN MEDICATION THAT SHE PROVIDE ME WITH THE MEDICATION.
 4 ⑨ MEDICAL TRAINING ASSISTANCE CARRILLO INSTEAD OF CHECKING MY MEDICAL
 5 FILES SHE STATED THAT IF I WOULD TO RECEIVE THE MEDICATION I WOULD HAVE
 6 TO BE HOUSED IN THE INFIRMARY.

7 ⑩ PLAINTIFF EXPLAINED TO (MTA) CARRILLO AT (CSP CONCORD) THE MEDICAL
 8 TRAINING ASSISTANCE WOULD BRING MY MEDICATION TO ME DAILY WITHOUT ME BEING
 9 CONFINED IN THE INFIRMARY, I SEE NO REASON WHY I WOULD HAVE TO BE PLACED
 10 IN THE INFIRMARY TO RECEIVE MY PRESCRIPTION MEDICATION, AND I SEE NO REASON
 11 WHY IM NOT RECEIVING MY PRESCRIBED MEDICATION, IT WAS MADE CLEAR BY MTA
 12 CARRILLO THAT THE MEDICATION IS AVAILABLE.

13 ⑪ ON APRIL 14, 2006 AT (CSP) PLAINTIFF WAS EXAMINED BY DEFENDANT A. LOPEZ
 14 ON DUTY NURSE PRACTITIONER AND I EXPLAINED TO HIM THAT IM HAVING
 15 SEVERE CHRONIC LOWER BACK PAIN AND WOULD HE HAVE THE NURSE TO GIVE ME
 16 MY PAIN MEDICATION DO TO CHRONIC PAIN. DEFENDANT A. LOPEZ GAVE PLAINTIFF
 17 THE PAIN MEDICATION IN A CASH OR PILL FORM THAT WAS PRESCRIBED BY DR.
 18 WILSON AT (CSP - CONCORD) ON MARCH 23, 2006 FOR 60 DAYS.

19 ⑫ ON APRIL 26, 2006 PLAINTIFF WAS INTERVIEWED BY D. FLORES REGISTERED
 20 NURSE CONCERNING APPEAL LOG NO. 06-00830, WHO STATED IN HIS FIRST LEVEL
 21 OF RESPONSE, PLEASE BE ADVISED THAT VICODIN IS A MEDICATION THAT IS NOT
 22 ALLOWED ON THE YARD AT (CSP) IN ITS SOLID FORM. YOU CAN RECEIVE
 23 CRUSHED VICODIN ON THE YARD AT THE CLINIC. IN THE OUTPATIENT HOUSING
 24 UNIT IT IS AVAILABLE IN PILL FORM. MR. LOPEZ HAS SUBSTITUTED DACTOFEN
 25 FOR THE PAIN MEDICATION THAT YOU WERE RECEIVING AT YOUR FORMER
 26 INSTITUTION AND THIS MAY ACTUALLY WORK BETTER FOR YOU.

27 ⑬ DEFENDANT A. LOPEZ NURSE PRACTITIONER DID NOT SUBSTITUTE THE PAIN
 28 MEDICATION VICODIN FOR DACTOFEN, PLAINTIFF HAD ALREADY BEEN PRESCRIBED



1 DACTOFEN MEDICATION AT CSP CORONA BY DR. PIMATUKAANTA FROM MARCH 2, 2006
 2 TO MAY 31, 2006 AND THE DACTOFEN WAS PRESCRIBED FOR MUSCLE SPASMS, AND ON
 3 APRIL 14, 2006 DEFENDANT A. LOPEZ HAD GIVEN PLAINTIFF THE DACTOFEN
 4 MEDICATION HE HAD ALREADY BEEN PRESCRIBED AT HIS FORMER INSTITUTION.
 5 (9) ONCE PLAINTIFF ARRIVED AT (CSP) ON APRIL 7, 2006 I WAS DENIED THE
 6 PAIN MEDICATION VICODIN IN A CRUSHED OR SOLID FORM BY DEFENDANT M.
 7 RAMIREZ, ON APRIL 8, 2006 I WAS DENIED THE PAIN MEDICATION VICODIN IN A
 8 CRUSHED OR SOLID FORM BY DEFENDANT CERRILLO AND ON APRIL 14, 2006 I WAS
 9 DENIED THE PAIN MEDICATION VICODIN IN A CRUSHED OR SOLID FORM BY
 10 DEFENDANT A. LOPEZ EVEN AFTER I INFORMED THE DEFENDANTS I WAS IN
 11 SEVERE CHRONIC LOWER BACK PAIN IN THE CLINIC ON THE YARD PLAINTIFF
 12 WAS DENIED THE PAIN MEDICATION VICODIN IN A CRUSHED OR SOLID FORM, AND
 13 THE DACTOFEN MEDICATION DO NOT RELIEVE THE CHRONIC PAIN IN PLAINTIFFS
 14 LOWER BACK.

15 (10) ON MAY 3, 2006 PLAINTIFF WAS ADMITTED INTO THE INFIRMARY DO TO HIS
 16 SPINAL CORD INJURY AND RELATED MEDICAL SYMPTOMS THAT HE IS SUFFERING
 17 FROM.

18 (11) ON MAY 3, 2006 WHEN PLAINTIFF WAS ADMITTED IN THE INFIRMARY I WAS
 19 THEN PROVIDED WITH THE PAIN MEDICATION VICODIN BY DEFENDANT A. LOPEZ.

20 21 FIRST CAUSE OF ACTION

22 23 DELIBERATE INDIFFERENCE TO PLAINTIFFS SERIOUS MEDICAL NEEDS

24
25 (12) PLAINTIFF HEREBY RE ALLEGE AND INCORPORATE ALL PRECEDING PARAGRAPHS
 26 AS THOUGH FULLY SET FORTH HEREIN 1 THROUGH 16

27 (13) PLAINTIFF IS A VERIFIED PERMANENTLY MOBILITY IMPAIRED INDIVIDUAL.

28 (14) PLAINTIFF ALLEGE ON APRIL 7, 2006 DEFENDANT M. RAMIREZ DEMONSTRATED



1 DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS WHICH SHE
2 KNEW THAT PLAINTIFF HAD A SPINAL CORD INJURY SUFFERING FROM CHRONIC LOWER
3 BACK PAIN AND WHEN PLAINTIFF REQUESTED HIS PAIN MEDICATION HE WAS DENIED
4 HIS PRESCRIBED PAIN MEDICATION VICODIN IN A CRUSHED FORM ON THE YARD.

5 (A) ON APRIL 8, 2006 DEFENDANT CARRILLO DEMONSTRATED DELIBERATE INDIFFERENCE
6 TO PLAINTIFF'S SERIOUS MEDICAL NEEDS WHEN PLAINTIFF INFORMED HER THAT I AM
7 SUFFERING FROM CHRONIC LOWER BACK PAIN AND REQUESTED HIS VICODIN MEDICATION
8 AND WAS DENIED THE PAIN MEDICATION IN A CRUSHED FORM ON THE YARD.

9 (A) ON APRIL 14, 2006 DEFENDANT A. LOPEZ DEMONSTRATED DELIBERATE INDIFFERENCE
10 TO PLAINTIFF'S SERIOUS MEDICAL NEEDS WHEN HE KNEW THAT PLAINTIFF HAD A
11 SPINAL CORD INJURY SUFFERING FROM CHRONIC LOWER BACK PAIN AND WHEN
12 PLAINTIFF REQUESTED HIS PAIN MEDICATION HE WAS DENIED HIS PRESCRIBED PAIN
13 MEDICATION VICODIN IN A CRUSHED FORM ON THE YARD AT THE CLINIC.

14 (A) EACH OF THE DEFENDANTS KNEW THAT PLAINTIFF COULD RECEIVE THE VICODIN
15 PAIN MEDICATION IN A CRUSHED FORM ON THE YARD OR AT THE YARD CLINIC. ON
16 APRIL 26, 2006 J. FLORES (AN) REGISTER NURSE FIRST LEVEL OF RESPONSE TO
17 PLAINTIFF ADMINISTRATIVE APPEAL LOG NO. 06-00830 STATED, PLAINTIFF CAN
18 RECEIVE CRUSHED VICODIN ON THE YARD OR AT THE YARD CLINIC.

19 (A) ONCE PLAINTIFF ARRIVED AT CALIFORNIA STATE PRISON ON APRIL 7, 2006 AND
20 WAS SEEN BY DEFENDANT M. AMIRAL ON DUTY REGISTER NURSE WHO HAD
21 PLAINTIFF MEDICAL FILES IN FRONT OF HER AND KNEW THAT PLAINTIFF HAD A
22 SEVERE SPINAL CORD INJURY PERMANENTLY MOBILITY IMPAIRED (LOWER EXTREMITIES) AND
23 KNEW THAT HE WAS SUFFERING FROM CHRONIC LOWER BACK PAIN AND SHE KNEW
24 PLAINTIFF WAS PRESCRIBED PAIN MEDICATION VICODIN AND DEFENDANT KNEW THAT
25 PLAINTIFF COULD RECEIVE THE VICODIN IN A CRUSHED FORM ON THE YARD AND
26 PLAINTIFF REQUESTED THE MEDICATION HE WAS DENIED IT.

27 (A) ON APRIL 8, 2006 PLAINTIFF INFORMED DEFENDANT CARRILLO THAT HE WAS SUFFERING
28 FROM CHRONIC LOWER BACK PAIN AND PRESCRIBED VICODIN MEDICATION AND REQUESTED



1 THAT SHE GO CHECK MY MEDICAL FILE AND ONCE SHE VERIFY THAT I AM
 2 PRESCRIBED THE VICODIN PAIN MEDICATION THAT SHE PROVIDE ME THE MEDICATION.
 3 DEFENDANT CARRILLO REFUSED TO CHECK MY MEDICAL FILE, BUT INSTEAD INFORMED
 4 PLAINTIFF THAT HE WOULD HAVE TO BE HOUSED IN THE INFIRMARY TO RECEIVE
 5 THE VICODIN PAIN MEDICATION. DEFENDANT CARRILLO KNEW THAT PLAINTIFF COULD
 6 RECEIVE THE VICODIN PAIN MEDICATION IN A CRUSHED FORM ON THE YARD AND
 7 WHEN PLAINTIFF REQUESTED THE VICODIN PAIN MEDICATION DEFENDANT CARRILLO
 8 DENIED PLAINTIFF THE PAIN MEDICATION.

9 (23) ON APRIL 14, 2006 PLAINTIFF WAS SEEN AT THE YARD CLINIC BY DEFENDANT
 10 A. LOPEZ KNEW THAT PLAINTIFF HAD A SEVERE SPINAL CORD INJURY PERMANENTLY
 11 MOBILITY IMPAIRED (LOWER EXTREMITIES) DEFENDANT KNEW THAT PLAINTIFF WAS SUFFERING
 12 FROM CHRONIC LOWER BACK PAIN, DEFENDANT A. LOPEZ KNEW THAT PLAINTIFF WAS TAKING
 13 VICODIN PAIN MEDICATION THAT WAS PRESCRIBED BY DR. WILSON ON MARCH 23, 2006
 14 FOR 60 DAYS AT COACORAN STATE PRISON. AND DEFENDANT A. LOPEZ DENIED PLAINTIFF
 15 THE PAIN MEDICATION IN A CRUSHED FORM ON THE YARD AT THE YARD CLINIC,
 16 WHEN DEFENDANT A. LOPEZ KNEW THAT PLAINTIFF COULD RECEIVE THE VICODIN PAIN
 17 MEDICATION ON THE YARD IN A CRUSHED FORM.

18 (24) EACH OF THE DEFENDANTS INTENTIONALLY AND DELIBERATELY DENIED AND/OR
 19 REFUSED PLAINTIFF A DISABLE INMATE WITH A SPINAL CORD INJURY SUFFERING FROM
 20 CHRONIC LOWER BACK PAIN TO GAIN ACCESS TO HIS PRESCRIPTION PAIN MEDICATION
 21 VICODIN IN A CRUSHED FORM ON THE YARD AND AT THE YARD CLINIC WHEN EACH OF
 22 THE DEFENDANTS KNEW THAT PLAINTIFF COULD RECEIVE THE VICODIN PAIN MEDICATION
 23 IN A CRUSHED FORM AS STATED BY D. FLORES REGISTER NURSE THAT WAS
 24 PRESCRIBED BY DR. WILSON ON MARCH 23, 2006 AT COACORAN STATE PRISON. THE
 25 VICODIN PAIN MEDICATION HAD A GREATER EFFECT ON RELIEVING PLAINTIFF'S
 26 CHRONIC LOWER BACK PAIN AND BY EACH OF THE DEFENDANTS DENYING PLAINTIFF
 27 HIS PRESCRIPTION PAIN MEDICATION VICODIN IN A CRUSHED FORM ON THE YARD
 28 AND AT THE YARD CLINIC HAD A SUFFICIENT CULPABLE STATE OF MIND



1 KNOWING THAT THEIR WRONG DOING DO NOT ADVANCED OR SUPPORT ANY
2 LEGITIMATE PENOLOGICAL INTEREST TO DENY AND/OR REFUSED PLAINTIFF HIS
3 PAIN MEDICATION VICODIN IN A CRUSHED FORM ON THE YARD AND AT THE
4 YARD CLINIC.

5 (13) DEFENDANTS ACTIONS CONTRIBUTED TO OR EXACERBATED PLAINTIFF PHYSICAL
6 INJURIES CONTRIBUTING TO THE UNNECESSARY WANTON INFLECTION OF PAIN. AS A
7 RESULT OF THE DEFENDANTS ACTS, PLAINTIFF HAS BECOME MENTALLY UPSET,
8 DISTRESSED AN AGGRAVATED. BY REASON OF THE AFOAL DESCRIBED ACTS AND
9 OMISSIONS OF DEFENDANTS, PLAINTIFF SUSTAINED GREAT NUMEROUS PHYSICAL,
10 MENTAL AND EMOTIONAL INJURIES, INCLUDING BUT NOT LIMITED TO SEVERAL
11 INCREASED CHRONIC LOWER BACK PAIN, HUMILIATION, INDIGNITIES, PAIN AND
12 SUFFERING WHICH AFFECTED HIS DAILY ACTIVITIES. PLAINTIFF CLAIMS GENERAL
13 DAMAGES FOR SUCH MENTAL DISTRESS AND AGGRAVATION.

14 (14) THE AFOAL MENTIONED ACTS OF THE DEFENDANTS WERE WILLFUL WANTON,
15 MALICIOUS, OPPRESSIVE, VEXATIOUS, DELIBERATE AND DONE WITH RECKLESS
16 INDIFFERENCE TO AND/OR CALLOUS DISREGARD FOR PLAINTIFF RIGHTS AND
17 JUSTIFY AN AWARD OF EXEMPLARY, COMPENSATORY AND PUNITIVE DAMAGES.

18 (15) IN COMMITTING THE ACTS SET FORTH HEREIN ABOVE, EACH OF THE
19 DEFENDANTS VIOLATED PLAINTIFFS FEDERALLY PROTECTED RIGHTS THE EIGHT
20 AMENDMENT BEING DELIBERATE INDIFFERENCE TO PLAINTIFF SERIOUS MEDICAL NEEDS,
21 CRUEL AND UNUSAL PUNISHMENT DENIAL OF MEDICAL CARE.



Count 2: The following civil right has been violated: EQUAL PROTECTION RIGHT
(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

(1) PLAINTIFF HEREBY RECALLED AND INCORPORATE ALL PRECEDING PARAGRAPHS AS FULLY SET FORTH HEREIN 1 THROUGH 16

(2) PLAINTIFF IS A VERIFIED PERMANENTLY MOBILITY IMPAIRED INMATE.

(3) PLAINTIFF ALLEGES ON APRIL 7, 2006 DEFENDANT M. RAMIREZ DEMONSTRATED A VIOLATION OF PLAINTIFF EQUAL PROTECTION RIGHTS WHEN SHE KNEW THAT PLAINTIFF HAD A SPINAL CORD INJURY SUFFERING FROM CHRONIC LOWER BACK PAIN AND WHEN PLAINTIFF REQUESTED HIS PAIN MEDICATION HE WAS DENIED HIS PRESCRIBED PAIN MEDICATION VICODIN IN A CRUSHED FORM ON THE YARD.

(4) ON APRIL 8, 2006 DEFENDANT CERRILLO DEMONSTRATED A VIOLATION OF PLAINTIFF EQUAL PROTECTION RIGHTS WHEN PLAINTIFF INFORMED HER THAT I AM SUFFERING FROM CHRONIC LOWER BACK PAIN AND REQUESTED HIS VICODIN MEDICATION AND WAS DENIED THE PAIN MEDICATION IN A CRUSHED FORM ON THE YARD.

(5) ON APRIL 14, 2006 DEFENDANT A. LOPEZ DEMONSTRATED A VIOLATION OF PLAINTIFF EQUAL PROTECTION RIGHTS WHEN HE KNEW THAT PLAINTIFF HAD A SPINAL CORD INJURY SUFFERING FROM CHRONIC LOWER BACK PAIN AND WHEN PLAINTIFF REQUESTED HIS PAIN MEDICATION HE WAS DENIED HIS PRESCRIBED PAIN MEDICATION VICODIN IN A CRUSHED FORM ON THE YARD AT THE YARD CLINIC.

(6) EACH OF THE DEFENDANTS KNEW THAT PLAINTIFF COULD RECEIVE THE VICODIN PAIN MEDICATION IN A CRUSHED FORM ON THE YARD OR AT THE YARD CLINIC. ON APRIL 26, 2006 J. FLORES (RN) REGISTER NURSE FIRST LEVEL OF RESPONSE TO PLAINTIFF'S ADMINISTRATIVE APPEAL LOG NO. 06-00020 STATED, PLAINTIFF CAN RECEIVE CRUSHED VICODIN ON THE YARD OR AT THE YARD CLINIC, AND THE MEDICATION IS AVAILABLE IN PILL FORM IN OUTPATIENT HOUSING UNIT.

(7) ONCE PLAINTIFF ARRIVED AT CALIFORNIA STATE PRISON ON APRIL 7, 2006 AND WAS SEEN BY DEFENDANT M. RAMIREZ ON DUTY REGISTER NURSE WHO HAD PLAINTIFF MEDICAL FILES IN FRONT OF HER AND KNEW THAT PLAINTIFF HAD A SEVERE SPINAL CORD INJURY PERMANENTLY MOBILITY IMPAIRED (LOWER EXTREMITIES) AND KNEW THAT HE WAS SUFFERING FROM CHRONIC LOWER

1 BACK PAIN AND SHE KNEW PLAINTIFF WAS PRESCRIBED PAIN MEDICATION VICODIN AND
 2 DEFENDANT KNEW THAT PLAINTIFF COULD RECEIVED THE VICODIN IN A CRUSHED FORM ON
 3 THE YARD AND PLAINTIFF REQUESTED THE MEDICATION HE WAS DENIED IT.

4 (27) ON APRIL 8, 2006 PLAINTIFF INFORMED DEFENDANT CERRILLO THAT HE SUFFERING FROM
 5 CHRONIC LOWER BACK PAIN AND PRESCRIBED VICODIN MEDICATION AND REQUESTED
 6 THAT SHE GO CHECK MY MEDICAL FILE AND ONCE SHE VERIFY THAT I AM PRESCRIBED
 7 THE VICODIN PAIN MEDICATION THAT SHE PROVIDE ME THE MEDICATION. DEFENDANT
 8 CERRILLO REFUSED TO CHECK MY MEDICAL FILE, BUT INSTEAD INFORMED PLAINTIFF THAT
 9 HE WOULD HAVE TO BE MOVED IN THE INFIRMARY TO RECEIVED THE VICODIN PAIN
 10 MEDICATION. DEFENDANT CERRILLO KNEW THAT PLAINTIFF COULD RECEIVED THE
 11 VICODIN PAIN MEDICATION IN A CRUSHED FORM ON THE YARD AND WHEN PLAINTIFF
 12 REQUESTED THE VICODIN PAIN MEDICATION DEFENDANT CERRILLO DENIED PLAINTIFF THE
 13 PAIN MEDICATION.

14 (28) ON APRIL 14, 2006 PLAINTIFF WAS SEEN AT THE YARD CLINIC BY DEFENDANT A. LOPEZ
 15 KNEW THAT PLAINTIFF HAVE A SEVERE SPINAL CORD INJURY PERMANENTLY MOBILITY IMPAIRED
 16 (LOWER EXTREMIS) DEFENDANT KNEW THAT PLAINTIFF WAS SUFFERING FROM CHRONIC LOWER BACK
 17 PAIN. DEFENDANT A. LOPEZ KNEW THAT PLAINTIFF WAS TAKING VICODIN PAIN MEDICATION THAT
 18 WAS PRESCRIBED BY DR. WILSON ON MARCH 23, 2006 FOR 60 DAYS AT CONCORDAN STATE PRISON
 19 AND DEFENDANT A. LOPEZ DENIED PLAINTIFF THE PAIN MEDICATION IN A CRUSHED FORM ON
 20 THE YARD AT THE YARD CLINIC, WHEN HE KNEW THAT PLAINTIFF COULD RECEIVED THE
 21 VICODIN PAIN MEDICATION ON THE YARD IN A CRUSHED FORM.

22 (29) ON MAY 3, 2006 PLAINTIFF WAS ADMITTED INTO THE INFIRMARY OUTPATIENT HOUSING
 23 UNIT AND WAS THEN PROVIDED WITH THE PAIN MEDICATION VICODIN BY DEFENDANT
 24 A. LOPEZ, BY EACH OF THE DEFENDANTS DENYING PLAINTIFFS HIS PRESCRIBED
 25 PAIN MEDICATION VICODIN IN A CRUSHED FORM ON THE YARD AND AT THE YARD
 26 CLINIC THE DEFENDANTS ACTED WITH INTENTIONAL DISCRIMINATION AGAINST THE
 27 PLAINTIFF WHEN THEY DENIED PLAINTIFF HIS PAIN MEDICATION ON THE YARD IN
 28 A CRUSHED FORM, BUT THEN PROVIDED THE SAME PAIN MEDICATION TO PLAINTIFF AND



1 OTHER INMATES IN THE INFIRMARY / OUTPATIENT HOUSING UNIT.

2 (41) THE EQUAL PROTECTION CLAUSE ESSENTIALLY REQUIRES THAT ALL PERSONS
3 SIMILARLY SITUATED BE TREATED ALIKE. IN THIS SITUATION THE DEFENDANTS VIOLATED
4 PLAINTIFF EQUAL PROTECTION RIGHTS WHEN THEY DENIED PLAINTIFF HIS VICODIN PAIN
5 MEDICATION ON THE YARD AND AT THE YARD CLINIC IN A CRUSHED FORM, AT THE
6 SAME TIME PROVIDING OTHER PRISONER THE SAME VICODIN PAIN MEDICATION IN THE
7 OUTPATIENT HOUSING UNIT IN A PILL FORM. THE DEFENDANTS HAS A SUFFICIENT
8 CULPABLE STATE OF MIND KNOWING THAT THEIR WRONG DOING DID NOT ADVANCE
9 OR SUPPORT ANY LEGITIMATE PENOLOGICAL INTEREST AND AS A RESULT
10 PLAINTIFF SUFFERED A CHILLING EFFECT.

11 (42) BY THE DEFENDANTS CONDUCT, AND EACH OF THEM, PLAINTIFF WAS DEPRIVED
12 OF RIGHTS, PRIVILEGES AND IMMUNITIES SECURED TO HIM BY THE FOURTEENTH AMENDMENT
13 OF THE U.S. CONSTITUTION AND LAWS ENACTED THEREUNDER.

14 (43) AS A RESULT OF THE ACTS OF THE DEFENDANTS, PLAINTIFF HAS BECOME MENTALLY
15 UPSET, DISTRESSED AND AGGRAVATED. BY REASON OF THE AFORE DESCRIBED ACTS
16 AND OMISSIONS OF DEFENDANTS, AND EACH OF THEM, PLAINTIFF SUSTAINED NUMEROUS
17 PHYSICAL, MENTAL AND EMOTIONAL INJURIES, INCLUDING, BUT NOT LIMITED TO
18 HUMILIATION, INDIGNITIES WHICH AFFECTED HIS DAILY ACTIVITIES. PLAINTIFF
19 CLAIMS GENERAL DAMAGES FOR SUCH MENTAL DISTRESS AND AGGRAVATION.

20 (44) THE AFORE MENTIONED ACTS OF THE DEFENDANTS WERE WILLFUL, WANTON,
21 MALICIOUS, OPPRESSIVE, VEXATIOUS, DELIBERATE AND DONE WITH RECKLESS
22 INDIFFERENCE TO AND/OR CALLOUS DISREGARD FOR PLAINTIFF RIGHTS AND
23 JUSTIFY AN AWARD OF EXEMPLARY, COMPENSATORY AND PUNITIVE DAMAGES.

24 (45) IN COMMITTING THE ACTS SET FORTH HEREIN ABOVE, EACH OF THE DEFENDANTS
25 VIOLATED PLAINTIFFS FEDERALLY PROTECTED RIGHTS THE 14th AMENDMENT.



Count 3: The following civil right has been violated:

(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 3.]

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? ☒ Yes ☐ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: SYLVE CASTLE

Defendants: GEORGE PARRINSON ET AL DEFENDANTS

(b) Name of the court and docket number: U.S. DISTRICT COURT, CASE NO.

CV-01-20187, U.S. DISTRICT COURT, CASE NO. 04-6624

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] APPEAL

STILL PENDING ON BOTH CASES

(d) Issues raised: DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS
ON BOTH CASES

(e) Approximate date case was filed: MARCH 6, 2001

(f) Approximate date of disposition: JANUARY 7, 2008

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.]? ☒ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

ON APRIL 8, 2006 PLAINTIFF FILED AN ADMINISTRATIVE APPEAL/REASONABLE MODIFICATION ON
ACCOMMODATION REQUEST REGARDING THE APRIL 7, 2006 INCIDENT. ON APRIL 26, 2006 PLAINTIFF
RECEIVED A FIRST LEVEL OF RESPONSE TO APPEAL LOG NO. 06-00830 THAT WAS PARTIALLY
GRANTED ON THE FIRST LEVEL OF REVIEW. ON MAY 30, 2006 PLAINTIFF FILED A SECOND LEVEL
OF RESPONSE TO APPEAL LOG NO. 06-00830. ON JUNE 29, 2006 PLAINTIFF RECEIVED A SECOND
LEVEL OF RESPONSE TO APPEAL LOG NO. 06-00830 THAT WAS PARTIALLY GRANTED ON THE
SECOND LEVEL OF REVIEW. ON JULY 14, 2006 PLAINTIFF FILED A DIRECTOR'S LEVEL OF REVIEW TO
APPEAL LOG NO. 06-00830. ON OCTOBER 13, 2006 PLAINTIFF RECEIVED A DIRECTOR'S LEVEL OF REVIEW
TO APPEAL LOG NO. 06-00830. WAS DENIED. THIS FULLY EXHAUSTS (CDCA) ADMINISTRATIVE
REMEDIES TO APPEAL LOG NO. 06-00830 SEE ATTACHED (EXHIBIT A).

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): SERVICING DEFENDANTS, THEIR SUCCESSORS
IN OFFICE, AGENTS, EMPLOYEES, AND ALL OTHER PERSON IN ACTIVE CONCEPT AND PARTICIPATING WITH
THEM, FROM HARASSING, THREATENING, PUNISHING OR RETALIATING IN ANY WAY AGAINST PLAINTIFF,
BECAUSE HE HAS FILED THIS ACTION
2. Damages in the sum of \$ 2000,000
GENERAL
3. Punitive damages in the sum of \$ 4,000,000
4. Other: COMPENSATORY \$ 2,000,000, SPECIAL DAMAGES \$ 2,000,000
INTEREST AS PROVIDED BY LAW FOR THE COST OF THIS SUIT.

F. Demand for Jury Trial

Plaintiff demands a trial by ☒ Jury ☐ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:



Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR



Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

APRIL 29, 2008
Date

[Signature]
Signature of Plaintiff

RECEIVED CAL APPEALS APR 11 2006
 RECEIVED CAL APPEALS JUN 07 2006
 REASONABLE MODIFICATION OR
 ACCOMMODATION REQUEST
 CDC 1824 (1/95)

INSTITUTION/PAROLE REGION **CAE** LOG NUMBER **C 08-00830** CATEGORY **18-ADA**

NOTE: THIS FORM IS TO BE USED ONLY BY INMATES/PAROLEES WITH DISABILITIES

In processing this request, it will be verified that the inmate/parolee has a disability which is covered under the Americans With Disabilities Act.

²
CASTLE, Sylee
 INMATE/PAROLEE'S NAME (PRINT) **CASTLE** CDC NUMBER **C-82790** ASSIGNMENT **CAE** HOURS/WATCH **C-3-149** HOUSING **C-3-149**

In accordance with the provisions of the Americans With Disabilities Act (ADA), no qualified individuals with a disability shall, on the basis of disability, be excluded from participation in, or be denied the benefits of the services, activities, or programs of a public entity, or be subjected to discrimination.

You may use this form to request specific reasonable modification or accommodation which, if granted, would enable you to participate in a service, activity or program offered by the Department/Institution/facility, for which you are otherwise qualified/eligible to participate.

Submit this completed form to the Institution or facility's Appeals Coordinator's Office. A decision will be rendered within 15 working days of receipt at the Appeals Coordinator's Office and the completed form will be returned to you.

If you do not agree with the decision on this form, you may pursue further review. The decision rendered on this form constitutes a decision at the FIRST LEVEL of review.

To proceed to SECOND LEVEL, attach this form to an Inmate/Parolee Appeal Form (CDC 602) and complete section "F" of the appeal form.

Submit the appeal with attachment to the Appeals Coordinator's Office within 15 days of your receipt of the decision rendered on this request form.

If you are not satisfied with the SECOND LEVEL review decision, you may request THIRD LEVEL review as instructed on the CDC 602.

MODIFICATION OR ACCOMMODATION REQUESTED

DESCRIPTION OF DISABILITY:

SPINAL CORD INJURY PERMANENTLY MOBILITY IMPAIRED (LOWER EXTREMITIES)

WHAT VERIFICATION DO YOU HAVE OF YOUR DISABILITY?

DISABILITY PLACEMENTS PROGRAM VERIFICATION

RECEIVED
 JUL 28 2006
 INMATE APPEALS
 BRANCH

DESCRIBE THE PROBLEM:

ON MARCH 23, 2006 AT CALIFORNIA STATE PRISON - COLCORAN INMATE CASTLE WAS PRESCRIBED VIOXININ PAIN MEDICATION FROM MARCH 23, 2006 TO MAY 23, 2006 PER MEDICAL DOCTOR DO TO CHRONIC PAIN FROM A SEVERE SPINAL CORD INJURY. APRIL 7, 2006 AT APPROXIMATELY 2:00 PM I ARRIVED AT CSP - CAL. PATRIA. AND AT APPROXIMATELY 3:30 PM I WAS SEEN BY THE ON DUTY R.N. AT RECEIVING RELEASE AND WAS ASKED WHAT TYPE OF MEDICATION WAS PRESCRIBED AND CURRENTLY TAKEN, I INFORMED THE R.N. THAT I AM TAKING VIOXININ AND I (SEE SUPPLEMENTAL PAGE)

WHAT SPECIFIC MODIFICATION OR ACCOMMODATION IS REQUESTED?

I REQUEST MY MEDICATION BECAUSE I AM IN PAIN.

Castle
 INMATE/PAROLEE'S SIGNATURE

APRIL 8, 2006
 DATE SIGNED

REASONABLE MODIFICATION OR ACCOMMODATION REQUEST
CDC 1824 (1/95)CAL 00000830
SIX 70 NUL 21APR 10 04:10:11

REVIEWER'S ACTION

DATE ASSIGNED TO REVIEWER: APR 11 2006

DATE DUE: 5/2/06

TYPE OF ADA ISSUE

☐ PROGRAM, SERVICE, OR ACTIVITY ACCESS (Not requiring structural modification)☐ Auxiliary Aid or Device Requested☒ Other PAIN MEDICATION☐ PHYSICAL ACCESS (requiring structural modification)

DISCUSSION OF FINDINGS:

PLEASE SEE ATTACHED RESPONSE

4/26/06

DATE INMATE/PAROLEE WAS INTERVIEWED

J. FLORES, RN
PERSON WHO CONDUCTED INTERVIEW

DISPOSITION



GRANTED



DENIED



PARTIALLY GRANTED

BASIS OF DECISION:

PLEASE SEE ATTACHED RESPONSE

NOTE: If disposition is based upon information provided by other staff or other resources, specify the resource and the information provided. If the request is granted, specify the process by which the modification or accommodation will be provided, with time frames if appropriate.

DISPOSITION RENDERED BY: (NAME)

TITLE

INSTITUTION/FACILITY

J. FLORES, RNSTAFF RNCAC

APPROVAL

ASSOCIATE WARDEN'S SIGNATURE

DATE SIGNED

[Signature] M. LOUIS, MD, CMO/ITEM5/2/06DATE RETURNED TO INMATE/PAROLEE
MAY 30 2006

RECEIVED CAL APPEALS JUN 07 2006

requested the medication and was denied. On April 8, 2006 at approximately 3:00 pm the on duty MSA CERRILLO came to my cell and I also informed her that I am suffering from chronic pain and taking Vicodin medication and I requested that she go check my medical file and once she has verified that I am on the chronic pain medication that she provide me with the medication.

MSA CERRILLO stated that if I give you this medication I would have to be housed in the infirmary. At CSP-Concoran the MSA would bring my medication to me daily without me being in the infirmary. I see no reason why I would have to be placed in the infirmary to receive my medication, and I see no reason why I am not receiving my prescribed medication, it was made clear by MSA CERRILLO that the medication is available.

Case C-82790

REASONABLE MODIFICATION OR ACCOMMODATION REQUEST
CDC 1824 (1/95)Inmate: **CASTLE, S**
CDC # **C-82790**
Appeal # **CAL-C-06-00830**

Attachment

REVIEWER'S ACTION

TYPE OF ADA ISSUE

- ☒ PROGRAM, SERVICE, OR ACTIVITY ACCESS (Not requiring structural modification)
- ☐ Auxiliary Aid or Device Requested
- ☒ Other: PAIN MEDICATION

☐ PHYSICAL ACCESS (Requiring structural modification)

DISCUSSION OF FINDINGS: The appellant was interviewed at +/- 1000 hours on April 26, 2006, by J. FLORES, RN. The appellant is requesting pain medication for an old spinal cord injury. He states that he arrived at Calipatria State Prison on April 7, 2006. He states that he was evaluated by the R&R Nurse and he advised her that he was taking Vicodin. However, he was denied the medication. When he discussed the issue with S. CERRILLO, MTA, he was advised that he could not be prescribed Vicodin and still be housed on the yard. The appellant is requesting that he be prescribed Vicodin for use on the yard.

4/26/2006

DATE INMATE/PAROLEE WAS INTERVIEWED

J. FLORES, RN

PERSON WHO CONDUCTED INTERVIEW

DISPOSITION

☐ GRANTED ☐ DENIED ☒ PARTIALLY GRANTED

BASIS OF DECISION: You were evaluated / interviewed on 4/26/06 by Mr. A. LOPEZ, NP. At that time you were provided Chronos for a lower bunk/tier, use of a cane, orthopedic shoes, waist restraints, and no prolonged walking, bending, and no lifting. These Chronos must be approved by the Chrono Committee. You will be advised of their decision when you receive your (Gold) copy of the chrono. Mr. LOPEZ also referred you for a Neurology, and an Orthopedic consultation. You were given a prescription for medication and advised to return to the clinic in one month. Please be advised that Vicodin is a medication that is not allowed on the Yard at Calipatria State Prison in its solid form. You can receive crushed Vicodin on the yard at the Clinic. In the Outpatient Housing Unit it is available in pill form. Mr. LOPEZ has substituted Baclofen for the pain medication that you were receiving at your former Institution and this may actually work better for you.

The Request is **PARTIALLY GRANTED** in that the appellant has been evaluated, the appropriate pain medications, and chronos have been prescribed.

DISPOSITION RENDERED BY: (Name) <i>J. Flores, RN</i> J. FLORES, RN	TITLE: Staff RN	INSTITUTION FACILITY: CAL
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APPROVAL

ASSOCIATE WARDEN'S SIGNATURE: <i>M. Levin, MD</i> M. LEVIN, MD, CMO/HCM	DATE SIGNED: 5/25/06
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STATE OF CALIFORNIA

**INMATE/PAROLEE
APPEAL FORM**
CDC 902 (12/87)

Location: Institution/Parole Region

Log No.

DEPARTMENT OF CORRECTIONS

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
CASTLE	C-82790		INFIRMARY 13

A. Describe Problem: _____

If you need more space, attach one additional sheet.

B. Action Requested: _____

Inmate/Parolee Signature: _____

Date Submitted: _____

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

RECEIVED
 JUL 28 2006
 INMATE APPEALS
 BRANCH

First Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: _____ Due Date: _____

Interviewed by: _____

Staff Signature: _____ Title: _____ Date Completed: _____

Division Head Approved: _____ Returned _____

Signature: _____ Title: _____ Date to Inmate: _____

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Dissatisfied: Appellant is very aware that Vicodin is not allowed on "no CDC prison yard" in a solid form. The issue is this, I was denied the pain medication completely by RAMIREZ R.N. and on 4/14/06 I was denied the pain medication completely by A. LOPEZ N.P. Both the R.N. RAMIREZ AND N.P. LOPEZ could have crushed the Vicodin and observed me taking the medication in front of them, I

(see supplemental page)

Signature: Casta Date Submitted: 5/30/06Second Level ☐ Granted ☒ P. Granted ☐ Denied ☐ OtherG. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: JUN 08 2006 Due Date: 6/21/06☒ See Attached LetterSignature: A. Lopez N.P.C. A. LOPEZ, RN, FNP Date Completed: 6/27/06Warden/Superintendent Signature: M. LEVIN, MD, CMO/ADM Date Returned to Inmate: 7/5/06

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Dissatisfied: In A. LOPEZ NURSE PRACTITIONER stated in his second level of response, I see no reason why I would have to be placed in the infirmary to receive my medication, and I see no reason why I'm not receiving my prescribed medication... The Appellant is currently in the outpatient housing unit (not specifically for pain management) and has been prescribed pain medication as deemed medically necessary. On April 7, 2006 upon my arrival at CSP-Caliptaria I was denied the Vicodin pain medication by RAMIREZ register nurse in the crushed or pill form. On April 14, 2006 I was seen by

(see supplemental page)

Signature: Casta Date Submitted: 7/14/06

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☒ Denied ☐ Other☒ See Attached LetterDate: OCT 13 2006

WAS DENIED THE PAIN MEDICATION COMPLETELY. MR. LOPEZ N.P. did NOT
 SUBSTITUTED THE BACLOFEN MEDICATION FOR THE PAIN MEDICATION, BECAUSE I
 WAS ALREADY PRESCRIBED THE BACLOFEN MEDICATION AT CSP - CONCORAN FOR
 MUSCLE SPASMS BEFORE I EVEN ARRIVED AT CSP - CALIPATRIA, THE SAME AS
 I WAS PRESCRIBED THE VICODIN MEDICATION AT CSP - CONCORAN FOR CHRONIC
 PAIN. BUT ONCE I ARRIVED AT CSP - CALIPATRIA I WAS DENIED THE VICODIN
 PAIN MEDICATION COMPLETELY EVEN IN THE CRUSHED FORM, AND THE BACLOFEN
 HAS NEVER RELEASED THE CHRONIC PAIN, ON MAY 3, 2006 ^{IS THE FIRST} ~~AND THAT~~ ~~THE~~
~~TIME I WAS~~ ~~ISSUED~~ ~~THE~~ ~~PAIN~~ ~~MEDICATION~~ ~~AND~~ ~~THIS~~ ~~IS~~ ~~WHY~~ ~~IM~~ ~~RECEIVING~~
 the VICODIN MEDICATION TODAY MAY 30, 2006 DO TO CHRONIC PAIN. AND THERE
 IS NO JUSTIFIABLE REASON WHY I SHOULD HAVE BEEN DENIED THE PAIN
 MEDICATION IN CRUSHED FORM, AND THERE IS NO JUSTIFIABLE
 REASON WHY I HAD TO SUFFER CHRONIC PAIN FOR 27 DAYS
 WHEN THE PAIN MEDICATION WAS AVAILABLE AND COULD HAVE
 BEEN PRESCRIBED AND ISSUED TO ME IN CRUSHED FORM.

Case C-82790

State of California

Department of Corrections and Rehabilitation



Memorandum

Date : June 29, 2006

To : Inmate S. CASTLE, C82790
INF - 013

Subject : **SECOND LEVEL APPEAL RESPONSE**
LOG NO: CAL-C-06-00830

ISSUE: The appellant is submitting this appeal relative to Medications. It is the appellant's position that upon arrival at Calipatria State Prison he was denied medication (Vicodin) by both M. RAMIREZ, and A. LOPEZ, RN, FNP.

The appellant requests that he be provided medication because he is in pain.

INTERVIEWED BY: J. FLORES, RN, on April 26, 2006.

REGULATIONS: The rules governing this issue are:

California Code of Regulations, Title 15, Article (CCR) 3350. **Provision of Medical Care and Definitions**

DISCUSSION: In consideration of this appeal, a review of the appeal and its attachments was conducted. The CCR and all applicable laws and procedures were also considered along with the contents of the appellant's Unit Health Record (UHR) and a personal interview.

The appellant was advised in the First Formal Level Response that he had been evaluated and that an alternate medication had been prescribed. Since that response was written, the appellant has resubmitted the Reasonable Modification or Accommodation Request stating that "...I see no reason why I would have to be placed in the infirmary to receive my medication, and I see no reason why I'm (Sic) not receiving my prescribed medication..." The appellant is currently in the Outpatient Housing Unit (not specifically for pain management) and has been prescribed pain medication as deemed medically necessary.

DECISION: The appeal is **Partially Granted** at the Second Formal Level in that the appeal has been reviewed at the Second Formal Level, and the appellant has been evaluated and pain medications have been prescribed as deemed medically necessary.

The appellant is advised that his issue may be submitted for a Director's Level Review within 15 days of receipt of this response if desired.

A. Lopez
A. LOPEZ, RN, FNP
Nurse Practitioner
Calipatria State Prison

Reviewed by:

M. Levin
M. LEVIN, MD
Chief Medical Officer
Calipatria State Prison

M. LOPEZ NURSE PRACTITIONER who also denied me the Vicodin pain Medication in a crushed form or pill form that was prescribed to me by medical doctors at CSP - CONCORD. MRS A CARRILLO was very correct when she informed appellant on April 6, 2006 the only way I would receive the Vicodin pain Medication I would have to be housed in the infirmary. ON May 3, 2006 appellant was admitted in the outpatient housing unit/infirmary that's when they prescribed the Vicodin pain Medication to appellant. Before then I was denied the Vicodin pain Medication for 27 days, during these 27 days appellant suffered serious chronic lower back pain from a spinal cord injury that affected my daily activities, I even had problems with sleeping, I was in so much pain.

The alternate medication Baclofen that was ~~renewed~~ ^{updated} at CSP - CALIFORNIA on April 14, 2006 by M. LOPEZ NURSE PRACTITIONER was already prescribed to appellant at CSP - CONCORD medical doctors for muscle spasms before I even arrived at CSP - CALIFORNIA, the same as the Vicodin Medication by medical doctor for chronic pain at CSP - ~~CALIFORNIA~~ ^{CONCORD}. was prescribed to appellant before I even arrived at CSP - CALIFORNIA.

So the Baclofen Medication M. LOPEZ NURSE PRACTITIONER updated was not an alternate or substitute Medication, the Baclofen Medication is the same prescription that was prescribed to appellant at CSP - CONCORD.